

# PROTECTION OF FREEDOMS ACT 2012

---

## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 6: Freedom of information and data protection**

#### ***Section 108: Removal of Secretary of State approval for staff numbers, terms etc.***

430. **Section 108** makes further provision about the appointment of staff by the Commissioner, and their terms and conditions.
431. **Subsection (1)** amends paragraph 4 of Schedule 5 to the DPA as set out in *subsections (2) and (3)*.
432. **Subsection (2)** inserts a new sub-paragraph (4A) into paragraph 4 of Schedule 5 of the DPA. This provides that when appointing a deputy commissioner or any other officers or staff, the Information Commissioner must have regard to the principle of selection on merit on the basis of fair and open competition.
433. **Subsection (3)** removes the existing requirement, in paragraph 4(5) of Schedule 5 to the DPA, on the Information Commissioner to obtain the Secretary of State's approval for the number of staff to be appointed to the ICO and to the terms and conditions of appointment of such staff.